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EXAMINER

JOHNSON, JENNA LEIGH

ART UNIT	PAPER NUMBER
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1794

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/747,529	Applicant(s) SHEPPARD, JAMES M.	
	Examiner Jenna-Leigh Johnson	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21,22,24-30 and 32-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21,22,24-30 and 32-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on May 6, 2008, PROSECUTION IS HEREBY REOPENED.

The previous rejections did not specifically address the shearing limitation in claims 28 and 35.

Therefore, a new rejection for claims 28 and 35 are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

2. Further, in order to simplify the rejections, the rejections with Stark and Parker are the primary references are withdrawn.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 21, 22, 24 - 27, 29, 30, 32 - 34, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terrasse (2,163,769) in view of Stark (3,669,818) for the reasons of record.

5. Claims 28 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terrasse and Stark as applied to claims 21 and 29 above, and further in view of Sherrill et al. (3,721,273).

The features of Terrasse and Stark have been set forth in the previous Office Action. Terrasse fails to teach shearing and blossoming the pile fabric. Stark discloses that the woven, patterned fabric can include cut or looped yarns (column 2, lines 29 – 30). Sherrill et al. is drawn to printed pile fabrics. Sherrill et al. discloses that the printed fabric includes a cut pile surface. Further, the cut loops are free to spread out or splay to create a soft, plush surface (column 3, lines 63 - 65). Thus, the cutting (or shearing) process inherently frees the looped fibers in the yarns, allowing the yarns to inherently splay open (or bloom) producing a surface which is more receptive to printing and produces a clearer image than a loop pile surface (column 4, lines 18 - 24). Thus, it would have been obvious to one having ordinary skill in the art to apply the print pattern to a sheared and open cut pile surface, as discussed by Sherrill et al., to produce a soft, plush fabric surface and produce a clearer printed image in the final product. Thus, claims 28 and 35 are rejected.

Response to Arguments

6. It is noted that the applicant concedes that the claimed weave structure comprising a weave design with a lighter colored central area and darker colored border region on a first side, with the opposite side having a darker colored central area and a lighter colored border region are known (Appeal Brief, page 6). Thus, the applicant's arguments are drawn to the functional features recited in the claim "wherein said border on said is capable of masking said graphic impression that may overlap onto said border from said central area on said one side, eliminating the need for precise alignment of said graphic impression within said central area of said one side; and wherein said central area on said second side is capable of masking any potential bleed through of said graphic impression from said central area", and what weight should the limitation be given with regards to the final structure of the claimed product and if those features are sufficiently taught or suggested in the prior art.

7. With regards to the rejection based on Terrasse and Stark, the applicant argues that Stark is drawn to teaching the printed pattern out of registry to produce a highly attractive appearance (Appeal Brief,

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pages 6 - 7). However, it is noted that the reference is relied on for what it teaches as a whole. And Stark discloses in the background and the discussion of the invention that it is known to print fabrics with woven designs formed therein, and that these printed patterns can be printed either in or out of registry with the printed pattern to create numerous designs and attractive appearances. Thus, the rejection does not rely solely on Stark's invention, but also on Stark's discussion of what other printed products are known in the art, to establish the general knowledge in the relevant art. Further, it is noted that Stark, does not discuss whether the print is visible in all the sections of the printed fabric. However, a fabric which comprises different colored background sections, particularly if the sections include a darker section and a lighter section, would inherently include some sections which mask the printed image to some degree, as compared to the other sections.

Further, Stark never specifically defines which combinations of colors or fabric and print patterns are specifically considered visually attractive. And while Stark teaches that products produced by printing graphics out of registry with the woven pattern to have the potential to create highly attractive products, Stark does not state or teach that products printed in registry would not be attractive or that products having woven regions with print and without print would be undesired. Instead, Stark desires to create more combinations of patterns and colors to give manufacturers the ability to create various designs and end products. And Stark discloses that combining printed patterns and woven patterns in various combinations can be used to create various highly visually attractive products. However, which designs are considered attractive and desirable is driven by fashion and styles of the times which change. Thus, while Stark teaches a means to create numerous designs it is within the level of ordinary skill to choose from the various combinations of printed and weave patterns to create a final product which would be considered visually attractive by a consumer. Stark in general teaches combinations of single and multiple colors can be used to create woven and printed patterns that are combined together to create a visually attractive end product. Stark does not teach that the printed design must be printed on, and

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distinguishable in all regions of the patterned fabric. Nor, does Stark teach away from printing in registry or printing with colors that are masked by regions of the woven fabric. The printed region is inherently going to be somewhat hidden or masked in darker colored regions. And, as suggested by Stark these numerous fabric and print color combinations can be chosen by one with ordinary skill in the art to create a desired design in the end product that is visually attractive.

Further, it would have been obvious to one having ordinary skill in the art to have applied graphic images on the lighter central region. With the claimed towel structure, the image can be placed in a limited number of places on the towel, i.e., the dark or light central region and the dark or light border regions. Further, one with skill in the art would choose the place darker images on a contrasting colored regions, i.e., the lighter central region, so that the image can be clearly seen. Further, more colors can be seen on the lighter regions than the darker regions since lighter colors like white would mask very few other colors. Thus, it would have been obvious to one having ordinary skill in the art to placed the graphic image on the lighter central region.

8. The applicant argues that the claims are not given proper weight with regard to the functional requirements imposed on the structure (Appeal Brief, page 6 - 10). As discussed above, the claims which include process limitations, have been given their broadest reasonable interpretation with regard to the final product produced by the claim limitations. Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same or an obvious variant from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. In re Thorpe, 227 USPQ 964, 966 (Fed. Cir. 1985). In the present case, the final product as claimed by the applicant is a two-tone woven fabric with the claimed border and central area and a graphic design printed onto the lighter color central area. The functional language related to the choice of colors and alignment of the graphic during production of the printed

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towel are drawn to the process of making the towel itself. These features should only be given patentable weight if they were to produce a printed towel which is structurally different than the prior art. However, the functional limitations are not positively recited since the terms “capable of”, “may”, and “potential” are used to describe the masking ability, print overlap and bleed through. Therefore, the claim language is broad enough to include embodiments where the central area is printed without any of the print overlapping onto the border or bleeding through to the back of the towel. Hence, if the prior art teaches a woven towel with the claimed lighter and darker border and central regions, which the applicant has acknowledged is known in the art, and the prior art teaches a printed pattern is added only to the central region of the towel, then the prior art would read on the claimed invention, even if the prior art requires special processing to prevent overlap with the border regions and bleed through onto the back of the towel. The different processing limitations would not create a structurally different final product since both the claimed invention and the prior art would produce a printed image in the central portion of a towel with a darker border region and a lighter central region and the inverse colors on the opposite side, which the applicant concedes is a known towel design, without any print overlap or bleed through.

Further, it is noted that it has been held that as long as there is evidence of record establishing inherency, failure of those skilled in the art to contemporaneously recognize an inherent property, function or ingredient of a prior art reference does not preclude a finding of anticipation. *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1349, 51 USPQ2d 1943, 1948 (Fed. Cir. 1999). Thus, the prior art is not required to teach that darker colors can mask print, if this feature is an inherent result of the structure itself. As long as the prior art teaches the desired structural feature which would inherently have the claimed function then the inherent function is considered to be present in the prior art, even if the function is not taught. And as acknowledged by the applicant darker border regions around a lighter central region are well known in the art. The darker regions would inherently mask the graphic impression, since for the graphic image to be clearly visible on the lighter region it would be printed in a contrasting darker color.

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Therefore, the contrasting darker graphic would be less visible on the darker border. Hence, the darker border inherently masks the graphic impression. The prior art only need to teach that the claimed structural feature which produces the function, i.e., darker border regions, is present. Further, the darker regions would have this ability whether or not they are printed on by the prior art. And as set forth above, the applicant has conceded that this color combination is known in the art.

Also, the applicant's arguments with regard to the weight given the term "capable of" are not considered persuasive. The term is not considered a positive limitation as set forth in *In re Hutchinson*. And the applicants arguments relating to other terms that have been found to be given weight in describing functional language (Appeal Brief, page 9) are not relevant because those other terms are terms which positively recite structural features and are not similar to "capable of". The term "capable of" only requires that the prior art be able to perform a function and does not require that the function is actually performed. Thus, the claimed towel structure and the prior art do not need to have the print overlap with the border regions or bleed through to the back side of the towel. The claim only requires that the border is relatively darker than the central area and the graphic impression, such that it is able to mask the graphic. As discussed in Stark the combination of weave designs, print designs, and colors is endless to create desired visual patterns.

Further, the applicant argues that the choice of colors can be used to allow for less precise printing, and thus the design has a mechanical function. However, the function is related to the processing of the fabric, and not the structure of the final product. Nor, does the processing significantly distinguish the final product from the products disclosed in the prior art since the final product does not have to have the printed pattern overlap onto the border regions or bleed through to the back of the towel. And while things like bleed through and printing overlapping onto adjacent regions may be undesirable from a visual aspect, how the finished fabric looks, the combination of colors, and whether the printed pattern can or cannot be seen is irrelevant to the broadest claimed structure, which is a woven towel

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having a central region and a border region and a printed pattern applied to only the central region. The colors chosen to create the fabric design relate to the ornamentation and design of the fabric and do not distinguish over similarly printed woven fabrics. Design matters which relate purely to ornamentation only cannot be relied upon to patentably distinguish the claimed invention from the prior art. *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947). The fact that a border region is chosen to be blue or red, as opposed to black does not structurally distinguish one printed, patterned towel from another printed, patterned towel. And since the broadest reasonable interpretation includes a product where there is no overlap or bleed through by the printed pattern then this feature does not need to be taught by the prior art.

Additionally, the applicant argues that the claimed invention has more color options (pages 9 - 10). However, it is unclear how the prior art with a printed pattern applied to a woven fabric more limiting than the applicant's own towel produced by similar methods. There is no indication that the printed pattern in the prior art uses less colors than the present invention. How are the color choices in printed fabrics printed in registry limited? Do they only use graphic colors which can't be seen on the opposite side of the fabric? If the prior art uses less colors than the present invention, then wouldn't the colors used inherently have the claimed masking properties?

Further, it is noted that while misalignment during printing and bleed through can possibly create a visually undesirable product, these printing errors are also not desired for other reasons. The more printed matter applied to a towel the more the print will interfere with the properties of the towel such as softness, hand, and absorbency. And the reasons why the prior art create a towel with darker borders, a lighter central region on one side and a printed design on the central region, without any overlap or bleed through, are not relevant since the prior art creates the same product as the broadest claimed invention. Even if it is made by a different process or the design is chosen for a different reason the end result, i.e., the printed product, has the same structure as the broadest claimed invention. A different process does

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not distinguish a claimed product from the prior art unless it creates a manipulatively different structure. Again, there is no significant difference in the physical structure between a printed towel with a black border and a printed towel with border color other than black wherein the printed pattern is only applied onto the lighter color central region. Therefore, the claims do not recite a final product that is distinguishably different from what is known in the art.

In fact, the applicant's agrees that the claimed product can be achieved by happenstance in the prior art (Appeal Brief, page 10). However, it is more than just happenstance, that is taught in the prior art. The applicant acknowledges that the towel structure with darker borders and lighter central regions on one side are known. It is known in the art to choose a dark border which contrasts with the color of the central region and hence would also be able to mask images that are printed onto the central region, which would also be in contrasting color to the central region. Further, the prior art teaches that it is known to print designs on towels to create various desired visual appearances and that the designs can be printed in or out of registry with the fabric design. Thus, it would be obvious to print onto just the central region. Further, it would be obvious to print onto the lighter central region color because the graphic image would show up better on a lighter color than a darker color. Thus, printing onto a fabric with a woven design having a border region and a central region, by applying a printed graphic onto the lighter color central region is the natural extension of what is known in the art, and can be done to create numerous visually pleasing designs. Thus, the invention is combining together known elements in to create various visually pleasing designs as is taught by the prior art. And since the broadest interpretation of the claim is not requiring that the towel have the print bleed through or the overlap onto the border than the prior art does not need to teach this feature. Instead if the prior art teaches the woven fabric with the print applied to just the central region, then the prior art teaches the same final product as that claimed by the applicant. Further, the motivation of choosing darker or lighter colors does not significantly distinguish over the prior art which already teaches using lighter central areas and darker borders in the woven fabric as

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acknowledged by the applicant. A new reason for using a known design or pattern does not make that design or pattern patentable since it is already known and disclosed in the prior art. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Therefore, the claimed product does not distinguish over the prior art since there is no significant difference between printed, pattern towels wherein one towel has a black border and the other towel has a different color border and the printed pattern is only place in the lighter colored central area. Thus, the rejection is maintained.

9. Finally, the Applicant has argued that the claims are allowable due the commercial success as evidenced by the Affidavits submitted on November 21, 2002, and April 21, 2003 (Appeal Brief, pages 10 – 14). The applicant argues that the Examiner has not offered any specific reasons why the declarations are not sufficient to show commercial success or that the evidence lacks a nexus between the claimed invention and the evidence of commercial success. The declarations did not provide sufficient support to show commercial success, because there was nothing to show that the reason for the increase of sales and the increased profit of these towels is due to the nature of the claimed product, i.e., the fact that the applicant applied a printed image to two-tone towel, and not due to other factors such as the marketing of the towel, a lower price to make the towel, a higher mark-up in price than the other products, or production decisions to not produce more expensive products. Or if the applicant had commercial merchandising agreements that were made to increase the sales of the Edge towels over other towels. The declarations do not mention any specifics with regards to these other factors which would influence the sales. Instead the applicant argues that these factors are speculation on the part of the Examiner and irrelevant to the issue. However, to be given substantial weight in the determination of obviousness or nonobviousness, evidence of secondary considerations must be relevant to the subject matter as claimed,

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and therefore the examiner must determine whether there is a nexus between the merits of the claimed invention and the evidence of secondary considerations. *Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 281, 305 n.42, 227 USPQ 657, 673-674 n. 42 (Fed. Cir. 1985), cert. denied, 475 U.S. 1017 (1986). The term “nexus” designates a factually and legally sufficient connection between the objective evidence of nonobviousness and the claimed invention so that the evidence is of probative value in the determination of nonobviousness. *Demaco Corp. v. F. Von Langsdorff Licensing Ltd.*, 851 F.2d 1387, 7 USPQ2d 1222 (Fed. Cir.), cert. denied, 488 U.S. 956 (1988). In considering evidence of commercial success, care should be taken to determine that the commercial success alleged is directly derived from the invention claimed, in a marketplace where the consumer is free to choose on the basis of objective principles, and that such success is not the result of heavy promotion or advertising, shift in advertising, consumption by purchasers normally tied to applicant or assignee, or other business events extraneous to the merits of the claimed invention, etc. *In re Mageli*, 470 F.2d 1380, 176 USPQ 305 (CCPA 1973) (conclusory statements or opinions that increased sales were due to the merits of the invention are entitled to little weight); *In re Noznick*, 478 F.2d 1260, 178 USPQ 43 (CCPA 1973). Thus, the burden on the applicant is to show that the alleged commercial success is due to the claimed product and not other marker factors. The applicant has not provided any evidence to show that the success is due to the claimed invention and not other market factors. The applicant argues that other market factors that could influence the sales of the product are speculation on the part of the Examiner and irrelevant to the commercial success are not substantiated by the evidence because the applicant has not shown that the commercial success is directly derived from the claimed product itself. Without a clear nexus showing the success is due to the towel as claimed the evidence is not sufficient to show commercial success. Thus, while evidence shows that sales increased for the claimed product, the evidence is not sufficient to clearly establish that the increase sales are due to the claimed features and not due to other external forces which unduly influenced the sales increase.

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Further, the Applicant could not provide information which would show the market share of the claimed towel, or even show how the towel did as compared to similar products. Thus, the sales information provided *only* represents the claimed towel as compared to the Applicant's other products. Finally, it has been held that gross sales figures do not show commercial success absent evidence as to the market share. *Cable Electric Products, Inc. v. Genmark, Inc.*, 770 F.2d 1015 226 USPQ 881 (Fed. Cir. 1985). Thus, this is not sufficient evidence without the evidence as to the market share of the towel. Merely showing that there was commercial success of an article which embodied the invention is not sufficient. *Ex parte Remark*, 15 USPQ2d 1498, 1502-02 (Bd. Pat. App. & Inter. 1990). Could the sales be a result of outside companies removing products from the market or going out of business? Are the sales a result of the Applicant's own plans to push this one product to the exclusion of their other products? Finally, is the amount of revenue generated by the claimed towel due to the product's mark-up price and not a direct indicator of the products successfulness? How did the price of the towels influence their sales versus the other towels. Sales figures are not just solely due to the product by itself, but the market as a whole, marketing of the product, pricing of the product and supply of the product. The evidence provided by the applicant fails to address any of these questions. Therefore, the evidence provided by the Applicant does not provide a good perspective of how the product has done in the market as a whole or compared to similar products sold by competitors, or how the sales are influenced by their own production and marketing plans. Therefore, one cannot reasonably tell what the increased sales of the presently claimed product are a result of.

Further, the applicant specifically describes using image dying to produce the printed image. However, the independent claims and the claims which further limit the printing process are not limited to only image dying. Hence, the product discussed in the affidavit is not commensurate in scope with the current claims. If the printing process is critical to the success of the product, i.e., the ability to produce a printed towel product that has the appearance of a more expensive woven towel and not a printed towel,

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then the claims must be commensurate. Also, the applicant discusses that the image is applied to a sheared surface to produce enhanced clarity and resolution in the printed image. The independent claim does not require a sheared surface or address the resolution of the image. Finally, the applicant states that the printed image can be overprinted on the center portion because the dark border prevents the printing from being seen. Thus, the affidavits are not commensurate in scope to the claimed product and cannot be used to show nonobviousness of the claimed product.

Additionally, the Applicant provided statements from competitors which stated these other companies would not sell a similar product while the present patent application was pending (Appeal Brief, pages 22 – 23). While these statements provide evidence that the towel is a desired product, these statements do not actually provide evidence of the novelty of the present claims. The legal standards for nonobviousness are not related to competitors copying a product or withdrawing said product from the market. Therefore, these statements are not sufficient evidence to establish commercial success or long felt need.

Further, with respect to the applicant's evidence of copying, more than the mere fact of copying is necessary to make that action significant because copying may be attributable to other factors (see §MPEP 716.06). Alleged copying is not persuasive of nonobviousness when the other manufacturer had not expended great effort to develop its own solution. *Pentec, Inc. v. Graphic Controls Corp.*, 776 F.2d 309, 227 USPQ 766 (Fed. Cir. 1985).

Further, with regard to the declaration showing long felt need (Appeal Brief, page 22 – 24), the applicant relies on the commercial success of the product. However, as set forth above the commercial success has not been shown to be a result of selling the claim towel as opposed marketing, pricing, or production of the products which had a stronger influence on the sales of the towels. Establishing long-felt need **requires** objective evidence that an art recognized problem existed in the art for a long period of time without solution (see §MPEP 716.04). The applicant provided no evidence to show this was in fact

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a problem than was recognized in the art or that others had been trying to solve the same problem unsuccessfully. The evidence that the towel was copied by others does not show that they were trying to solve an art recognized problem or that the problem existed for an extended period of time. Thus, the declarations are not sufficient to overcome the art rejections.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Johnson whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jlj
August 1, 2008

/Jenna-Leigh Johnson/
Primary Examiner, Art Unit 1794

/Rena L. Dye/
Supervisory Patent Examiner, Art Unit 1794